

REMARKS

Claims 49-101 have been rejected under 35 U.S.C. § 103 (a), as being unpatentable over EPO document '820 in view of the Lindblom et al. '926 or Bergenwall '351. The Examiner states that the EPO document discloses a multi-position reclining bed comprising a support including a plurality of sections including a back section, a buttocks section, thigh section, and a calves section. The support is configured to carry a mattress thereon. This reference also shows a track coupled to a support; a linear actuator coupled to the support; wherein the back section is coupled to the track section and configured to move an end portion thereof vertically when the linear actuator is activated.

However, the Examiner points out that it lacks a thigh section and calves section configured to form a single acting rigid coplanar leg section that reclines pivotally below a horizontal plane of the buttocks section in a downward direction pivotally about an adjoining edge with the buttocks section. The Examiner maintains, however, that the Lindblom et al. and Bergenwall references both teach thigh section and calves section configured to form a single acting rigid coplanar leg section that reclines pivotally below a horizontal plane of the buttocks section in a downward direction pivotally about an adjoining edge with the buttocks section.

The Examiner concludes that it would have been considered obvious to modify the EPO reference to include the teachings of either Lindblom et al. or Bergenwall to aid a person from exiting the bed.

Responding to this argument, Applicants have amended some of the claims, and canceled others of the claims, in a matter which it believes addresses the statements made by the Examiner with respect to the prior art.

Specifically, claim 49 has been canceled and replaced by claim 102.

Claim 102 claims a horizontally situated elongated track, a plurality of supporting elements positioned above and overlying the track and a linear activator coupled to the supporting elements, which moves an end portion of the supporting elements vertically in a vertical plane when the linear activator is activated.

This feature is not shown in the EPO reference, thus it standing by itself, or the combination of the Lindblom and Bergenwall references with the EPO reference, still is not shown.

Scupp (EPO '820), Lindblom and Bergenwall are not wall hugger beds having a linear track or any track at all. When rolled, Scupp has a curved carriage frame 2 that rolls on the wheels 28 of a support base 4 raising the head edge of the bed, not vertically, but rather in an arc away from the wall having it's center in the center of the curved carriage frame if rolled. Applicant has wheels on a carriage which roll within a linear track. If Scupps curved frame is construed to be a track, it is not linear. If Scupp's back section 14 is pivoted about pivot 22, the head edge of the bed clearly does not vertically hug the wall, but rather swings in an arc pivotably about 22 away from the wall. If both roll and pivot motions are executed simultaneously, at no instant is the head edge traveling vertically, but rather always in an arc away from the wall. Combining any of these will not result in a wall hugger with a linear track. All these references teach away from wall hugging, even when combined.

Bergenwall has a frame (not track) outside of the edges of bed frame and mattress to allow the dropping of the leg section.

The suggested combination would not result in the benefits of the wall hugger, i.e. easy reach to end tables, and shortened bed length when the back section is elevated and leg section dropped or raised.

SUMMARY


In view of the amendments to the claims, the cancellation of certain claims, and the remarks presented herein, it is respectfully submitted that the remaining claims are not shown or
5 made obvious by the prior art, and are therefore allowable. Allowance of the claims presently in the application is respectfully solicited.

Respectfully submitted,

March 28, 2007

Randick O'Dea & Tooliatos, LLP

By:



Paul Martin
USPTO Reg. No. 24593
Patent Counsel for Applicant